

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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APR 23 1999

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year) 19 APR 1999

Applicant's or agent's file reference

GBI0005P

IMPORTANT NOTIFICATION

International application No.

PCT/US98/11347

International filing date (day/month/year)

03 JUNE 1998

Priority Date (day/month/year)

03 JUNE 1997

Applicant

GANEDEN BIOTECH, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
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Washington, D.C. 20231

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Authorized officer

DIEDRA FAULKNER

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GBI0005P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/11347	International filing date (<i>day/month/year</i>) 03 JUNE 1998	Priority date (<i>day/month/year</i>) 03 JUNE 1997
International Patent Classification (IPC) or national classification and IPC IPC(6): A23K 1/165 and US Cl.: 424/442		
Applicant GANEDEN BIOTECH, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

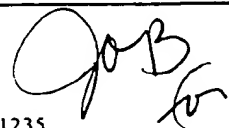
2. This REPORT consists of a total of 3 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 JANUARY 1999	Date of completion of this report 06 APRIL 1999
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer DIEDRA FAULKNER  Telephone No. (703) 308-1235

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/11347

I. Basis of the report

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):*

☒ the international application as originally filed.

☒ the description, pages 1-33, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of _____.

pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-50, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of _____.

Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/~~fig~~ NONE, as originally filed.

sheets/~~fig~~ NONE, filed with the demand.

sheets/~~fig~~ NONE, filed with the letter of _____.

sheets/~~fig~~ _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE.

☒ the claims, Nos. NONE.

☒ the drawings, sheets/~~fig~~ NONE.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/11347

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-50 meet the criteria set out in PCT Article 33(2) and (3), because the prior art does not teach or fairly suggest the method of preventing or treating bacterial gastrointestinal infection in a human by administering non-pathogenic lactic acid bacteria to an infant at risk for Sudden Infant Death Syndrome. The prior art teaches a useful antibiotic that comprises inhibitory concentrations of microorganisms.

Claims 1-50 meet the criteria set out in PCT Article 33(4), because a method of treating a patient at risk for SIDS by administering a non-pathogenic lactic acid bacteria has industrial applicability.

----- NEW CITATIONS -----
NONE